

Building and Construction Advisory Committee

The Building and Construction Advisory Committee met in regular session on **Monday, September 11, 2024**, at **1:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Mike Williams, District 1; Mike Jaffe, District 3; Tom Brandon, District 4; and Bruce Moia, Chair, District 5.

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Jeff King, Assistant Director (Planning and Development); Terry Talbert, Chief Building Official; Marc Bernath, Director (Public Works); Lauren Holman, Engineer III (Public Works); Nicholas Gagliardo, Engineer II (Public Works) and Kristen Champion, Special Projects Coordinator.

The meeting was called to order at 1:00 p.m.

Approval of the August 7, 2024, meeting minutes:

Motion by Tom Brandon, seconded by Mike Jaffe. The motion passed unanimously, with Mike Williams abstaining from the vote because he was not present for the August 7th meeting.

Nicholas Gagliardo read item 1 into the record.

An Ordinance of the Board of County Commissioners of Brevard County, Florida, Amending Chapter 62, Article XI Flood Damage Protection, Brevard County Code of Ordinances, to adopt an updated version of the Flood Insurance Rate Map and to specify elevation of manufactured homes in flood hazard areas to base flood elevation plus one (1) foot above frame of manufactured homes; specifically amending Section 62-4001, Brevard County Code, to remove the definitions of "Expansion Manufacture Home Park or Subdivision", "Repetitive Loss", "Substantially Improved Existing Manufactured Home Parks or Subdivisions"; specifically amending Section 62-4001, Brevard County Code, to include the definition of "Market Value"; specifically amending section 62-4001, Brevard County Code, to modify the definition of "Appeal", "Existing Construction", "Existing Manufactured Home Park or Subdivision", "New Construction", "Substantial Improvement"; specifically adopting an updated Flood Insurance Rate Map into Section 62- 4005 "Basis for establishing areas of Special Flood Hazard and Adoption of Flood Insurance Rate Map"; specifically amending Section 62-4061 "General Standards" to include reference to the date the county was accepted by the Federal Emergency Management Agency to participate in the National Flood Insurance Program in Subsection 7; specifically amending Section 62-4062(4) specific standards for manufactured homes and recreational vehicles in areas of special flood hazard; providing for conflicting provision; providing for severability; providing an effective date; and providing for inclusion in the Brevard County Code of Ordinances.

Mr. Gagliardo went on to explain that there's more in the term than there is in the substance of it. The Florida Building Code definition, for a couple of the items we looked at with the County and many municipalities had around the state and involves mainly the definition of existing structures and what new construction is and it's basically bringing everything into compliance with our NFIP Program. This is coming down as a mandate because in order to stay at least a Level 8 in our insurance rating for the discounts that that provides. We have to at least meet this new definition of term across the board.

So, we're now meeting that to make sure we maintain at least a Level 8 for the flood insurance rate. It's for the manufactured home, its bringing structures built after the adoption NFIP program into this

classification of existing. If it's built after, it's new. You now have to have it into the frame of the manufactured. The bottom of the frame has to be 1 foot above the BFE.

It's a required definition for the NFIP program to keep our rating at least a level 8.

Bruce Moia asked why repetitive loss is being removed from the definitions.

Nicholas Gagliardo stated that **repetitive loss**, based on the notes that he had, they said it was duplicative because the **substantial improvement** definition covers what repetitive losses was trying to say. Instead, it was very confusing throughout the state by different uses. So, they're trying to nail down more consistency on the competitive losses and tracking and bringing the older homes up to compliance with the new building code.

Bruce Moia asked if there were and questions from the board.

Motion by Mike Williams, seconded by Mike Jaffe. The motion passed unanimously.

Jeff King read item 2 into the record.

Formalize policy for issuance of Temporary Certificates of Occupancy (TCO) and Stocking and Training Permits (STP) with accompanying Hold Harmless Agreement.

The Planning and Development Department respectfully requests the Building and Construction Advisory Committee review the attached draft policy regarding the issuance of Temporary Certificates of Occupancy (TCO) and Stocking and Training Permits (STP) as well as the accompanying Hold Harmless Agreement and provide recommendations to be considered by the Board of County Commissioners.

The Brevard County Planning and Development Department, on average, receives approximately eighteen requests per year for Temporary Certificates of Occupancy, which allow for stocking and training only. A fee of \$100.00 has been required for the review of the application and processing. Traditionally, a majority of all temporary occupancy permit requests are related to businesses wanting to prepare for permanent occupancy by fixturing, stocking, training, and decorating.

The approval of this policy would allow for the issuance of a TCO, at the discretion of the Chief Building Official, allowing for the building/structure to be open to the public and allowing for the transaction of commerce for a period not to exceed 90 days from the date of issuance. A TCO will only be issued if all the required criteria are met, to include a cash bond to offset any cost, to include attorney fees, occurred by the County in the event site improvements outlined in the associated permit have not been met.

This proposed policy will formalize the application process, directives, monitoring, and enforcement of these temporary permits.

Bruce Moia asked for clarification in making sure that he understood that this TCO will allow the business to open.

Terry Talbert explained that the Florida Building Code allows him to issue a TCO to occupy the structure with people. However, the problem is that I can't approve that a lot of times because

Engineering says “no, you can’t.” So now we’ll make a way that if somebody requests to have public come in, they can follow new guidelines and actually have it, so public can come in for 90 days.

Bruce Moia asked if that was bypassing engineering.

Terry Talbert stated that it’s not a bypass, they {Engineering} still have to approve it. They just now have 90 days to get it done. So whatever Engineering may have, they have 90 days to fix it.

Bruce Moia asked if that includes life safety and Terry Talbert responded no, if it’s a life safety issue, we wouldn’t approve it anyway and typically all of our TCOs we try to tell contractors get with Engineering because that’s where your problem is going to be anyway. 90% of the time Fire and Building has passed the structure.

Mike Williams and Tom Brandon asked if that included surveying also? The language seems to state site improvement more than anything. Do you ever get a TCO request for something inside the building?

Terry Talbert responded yes, as long as it’s not life safety. We only get them for stocking and training only anyway and that’s the reason we’re doing this, to allow that. Because right now they have no way of getting into the structure without getting Engineering’s final approval, now they have a way of doing that by bonding and everything, making it easier on the contractor, at least to get in there.

Tom Brandon responded ok, so you’re not worrying about addressing the interior issues. You’re just addressing the site issues and they’re saying basically bond it off.

Bruce Moia asked what happens after 90 days if it’s not fixed? Do you have to recall the bond?

Terry Talbert said yes, and Lauren Holman added that it’s pretty clear about that process and that the TCO would be revoked. There is this Stocking and Training Permit (STP) as well. So, if you’re not ready for a TCO, you can request STP instead. There are more conditions for the TCO, so things that we typically come across at the closeout, all the closeout process is ADA still has to be addressed. That has to be addressed for the TCO request and the stormwater major work has to be complete. This is more formalizing that process. We didn’t really have a formal process of going through this and this lays it out for everybody, for everybody to know what to expect. It also has that bonding element so they could actually be open to the public.

The TCO’s that we would only sign off for were for stocking and training only. This is a different type of TCO. It’s to be open to the public, so we’ll give you a little bit more time to finish up some items like you’re saying. Maybe there’s a temporary stormwater structure in place and they’re waiting to get that. Things like that.

Bruce Moia asked about the hold harmless agreement and if it waives liability and doesn’t obligate the signer to any liability?

Tad Calkins responded that it is intended to eliminate and remove County liability for the building being open. He’s not sure who accepting liability, but it is to remove the County. And just one other thing, the temporary CEO and the stocking permit, would be routed to all of the agencies that currently review that for their input. I just want to build on what Lauren said.

Currently when the requests come in, they get routed to Fire, Engineering, Natural Resources, Utilities, and Building, and everybody has their opportunity for input. If there is a reason why one of those agencies say it shouldn't be issued, then that will be taken into consideration by Terry. If everybody gets their blessing, then it would be issued.

Bruce Moia asked if we have anyone waiting for a TCO right now, that's waiting for this process.

Tad Calkins responded that we were asked to do this several months ago and we just haven't had a chance to get to it until now. There may be people that are looking forward to this coming because I know that it's out there, but it was not done for anybody, particularly now that it is a necessity of it.

It was asked if County counsel had reviewed the hold harmless agreement and Alex Esseesse replied yes, that he was the one who drafted it. There are three parties that are required to sign this agreement. The contractor, the owner, and the tenant potentially. So, all three parties are going to be jointly and severally liable and indemnify the County from any potential.

Mike Williams asked what the fee was going to be, and Jeff King replied that it would still be \$100.

Motion by Tom Brandon, seconded by Mike Williams. The motion passed unanimously.

Building Code Monthly Report

Terry Talbert presented the monthly building report and stated that the online usage has definitely increased for BASS and people seem to really enjoy it. Everything is about average to where it should be between in sections from JPI and internal. Roof permits are down because we haven't had any hurricanes. Single-family dwellings are down a bit, but that's around the country. Most people are probably waiting until after the election.

Calendar year permits issued: the number of permits issued dropped down from July to August by a few. Like I say, it depends upon what people are doing right now, how they're spending their money. A lot of people slow down spending money right now because of the economy. We'll see what happens, but there's no major, drastic changes or anything.

Meeting adjourned at 1:23 P.M.